

Charles B. Hendricks
State Bar No. 09451050
John Hardy Rogers
State Bar No. 24115647
CAVAZOS HENDRICKS POIROT, P.C.
Suite 570, Founders Square
900 Jackson Street
Dallas, TX 75202
Direct Dial: (214) 573-7328
Fax: (214) 573-7399
Email: jhrogers@chfirm.com

Attorneys for Anne Elizabeth Burns, Chapter 7 Trustee

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION**

IN RE:	§	
	§	
HOACTZIN PARTNERS, L.P.,	§	Case No. 19-33545-sgj7
	§	
Debtor.	§	Hearing Date: September 29, 2021
	§	Hearing Time: 9:30 a.m.
	§	

**TRUSTEE’S APPLICATION FOR EMPLOYMENT OF
LYNN PINKER HURST & SCHWEGMANN, LLP
AS SPECIAL LITIGATION COUNSEL**

Anne Elizabeth Burns, Chapter 7 Trustee (the “Trustee”) in this case, files this **Trustee’s Application for Employment of Lynn Pinker Hurst & Schwegmann, LLP as Special Litigation Counsel** pursuant to 11 U.S.C. §§ 327(a) and 328(a) and would show the Court as follows:

Background

1. On October 26, 2019 (the “Petition Date”), the Debtor filed for relief under Chapter 11 of the United States Bankruptcy Code.
2. On February 12, 2020, the case was converted to Chapter 7. Anne Elizabeth Burns was appointed Chapter 7 Trustee for the Debtor’s estate.

3. According to the Debtor's Statement of Financial Affairs, within two years prior to the Petition Date, the Debtor transferred over \$13 million to insiders.

4. Although Peter Salas, the Debtor's principal insider, has been cooperative in providing some information relating to the Debtor's prepetition transfers, the Trustee believes that there were significant fraudulent transfers by the Debtor that are recoverable for the estate.

Trustee's Proposed Special Counsel

5. The Trustee requires the services of special litigation counsel to assist the Trustee in pursuing chapter 5 causes of action to recover alleged fraudulent transfers by the Debtor.

6. The Trustee desires to retain the law firm of Lynn Pinker Hurst & Schwegmann, LLP ("LPHS") as special litigation counsel.

7. Because the attorneys of LPHS have extensive experience in litigating fraudulent transfer claims in bankruptcy cases, the Trustee feels that they are well qualified to render the foregoing services.

8. The Trustee believes that said attorneys do not hold or represent any interest adverse to that of the Trustee or this bankruptcy estate, and that said attorneys are disinterested persons within the meaning of 11 U.S.C. § 101(14). Attached hereto is the Rule 2014 Statements of Connections signed by Alan Dabdoub on behalf of LPHS.

9. Subject to court approval, said attorneys will be compensated on a 40% contingency fee basis pursuant to the terms of the Engagement Letter dated September 2, 2021. LPHS's engagement shall be conditioned upon the closing of an agreement with a third-party funding source on terms no less favorable than the terms set forth in the proposal attached to the Engagement Letter. A copy of the Engagement Letter is attached hereto as Exhibit A.

10. The Trustee has not paid LPHS a retainer and understands that special litigation counsel will seek compensation on a final basis, pursuant to 11 U.S.C. § 330.

WHEREFORE, The Trustee prays that she be authorized to employ the law firm of Lynn Pinker Hurst & Schwegmann, LLP as her special litigation counsel to render services in the areas described above, with compensation to be paid pursuant to 11 U.S.C. 328(a) as an administrative expense.

Respectfully submitted,

/s/ John Hardy Rogers
Charles B. Hendricks
State Bar No. 09451050
John Hardy Rogers
State Bar No. 24115647
CAVAZOS HENDRICKS POIROT, P.C.
Suite 570, Founders Square
900 Jackson Street
Dallas, TX 75202
Phone: (214) 573-7328
Email: jhrogers@chfirm.com

Attorneys for Anne Elizabeth Burns,
Chapter 7 Trustee

Alan Dabdoub
State Bar No. 24056836
Lynn Pinker Hurst & Schwegmann
2100 Ross Avenue, Suite 2700
Dallas, TX 75201

Proposed Special Counsel for Anne Elizabeth Burns,
Chapter 7 Trustee

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION**

IN RE:

HOACTZIN PARTNERS, L.P.,

Debtor.

§
§
§
§
§
§
§

Case No. 19-33545-sgj7

RULE 2014 STATEMENT OF CONNECTIONS OF ALAN DABDOUB

I, Alan Dabdoub, hereby declare under penalty of perjury the following:

I am a partner at Lynn Pinker Hurst & Schwegmann (“LPHS”) and seek to be employed as special litigation counsel for the Trustee in the case of Hoactzin Partners, L.P. (the “Debtor”). I have reviewed the foregoing application and, to the best of my knowledge and belief, the statements and assertions there are true and correct.

Neither I, nor LPHS have any known connections with the Debtor, the United States Trustee or any person employed in the office of the United States Trustee, and – to the extent heretofore identified in the filings in this case – the creditors, any other party in interest, their respective attorneys or accountants.

I acknowledge and understand that all proceeds attributable to causes of action brought on behalf of the Trustee by special counsel must be distributed to the Trustee where same will be held by her subject to payment of LPHS’s fees and costs after a separate application has been made to and granted by the above-referenced Bankruptcy Court.

Other than with its own members, LPHS will not share with any person or firm the compensation it is to be paid for professional services rendered in connection with this case.

Dated September ____, 2021.

A handwritten signature in black ink, appearing to read 'Alan S.', with a stylized flourish at the end.

Alan Dabdoub
State Bar No. 24056836
Lynn Pinker Hurst & Schwegmann
2100 Ross Avenue, Suite 2700
Dallas, TX 75201

Proposed Special Counsel for
Anne Elizabeth Burns, Chapter 7 Trustee